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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,185	05/13/2002	Dirnberger Gerhard	PATNP0101US	2544

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EXAMINER

THISSELL, JENNIFER I

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,185

Applicant(s)

GERHARD, DIRNBERGER

Examiner

Jennifer I Thissell

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 23 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from more than one claim. See MPEP § 608.01(n). Accordingly, the claim 23 not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because it is unclear whether the applicant intends to claim "components" or an "arrangement with components" as is stated in the preamble. Only one invention may be claimed. Until properly amended and clarified, the Examiner is considering the "components" to be the claimed invention, and will be examined accordingly.

Regarding claims 1, 6, 10, and 17 the phrases "such as", "etc.", and "preferably", render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. It is applicant's responsibility to determine where all of these improper terms are located and to eliminate them from the claims.

Claims 1-19 are further rejected because claim 1 initially claims a subcombination, which is the components (panels), while the claim later refers to clips and continues to further define the clips. The clips are also further exclusively defined in subsequent claims. The Examiner is considering claims 1-19 to be drawn to the subcombination (panels), and will be examined accordingly. Therefore, any reference to the clips or further limitation of the clips will be considered to be functional language only.

Claim 1 recites the limitation "the two retaining parts" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claims 6 and 10 are improper because they recite a range within a range. For example, "an angle smaller than 90 degrees, preferably an angle between 50 and 80 degrees", and "an angle larger than 90 degrees, preferably an angle between 110 and 130 degrees". The claims must be amended to eliminate the improper ranges.

Claim 6 is further rejected as it further limits "two longitudinal recesses AND one of the two traverse recesses". This is improper because in claim 1 only the two recesses parallel to the longitudinal edges are definitely claimed. Recesses parallel to the transverse edges were not definitely claimed because they exist only "if need be". Only further limitation of the longitudinal recesses will be considered. Claim 9 also refers to the "transverse recesses", and therefore only further limitation of the longitudinal recesses will be considered. Claim 19 also only further limits the transverse recesses of the panel, which is

further limiting an element that was not definitely claimed. Further limitation of the transverse recesses is not considered in the claim.

Claim 8 is indefinite because it is unclear what "reduced in size" is compared to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-5, 7-9, and 11-19 are rejected, as understood, under 35 U.S.C. 102(a) as being anticipated by Eisermann (DE 197 09 641). Eisermann teaches panels 1 having longitudinal edges with tongues 6 and grooves 9, as well as two groove-shaped recesses (as seen in Figure 1) parallel to the longitudinal edges on the underside of the panels, the recesses being capable of receiving a clip. The recesses are mirror symmetrical to each other and they are reduced in size as compared to the overall size of the panel. The edges of the panels adjoin each other at a surface level, but have a space between each other at a bottom level. One of the edges of the panel has two legs extending from it and forming a groove 9 between the legs.

Claims 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pervan ('621). Pervan teaches a clip (6 in Figure 2a) that is provided with two upward retaining elements, one of which is a flange element 56 bent upward from the clip body, and the other retaining element is a resiliently displaceable detent (located in the area of 10,34,36) extending upward. Also, in between the detent and flange element there is an additional flange element 54 that extends upward. The detent can be moved elastically from its stationary position downward in the direction of the clip body, and the flange element is bent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 10 are rejected, as understood, under 35 U.S.C. 103(a) as being unpatentable over Eisermann ('DE 197 09 641) in view of Pervan ('621). Eisermann teaches an element as stated above, but does not have recesses at the inside surfaces with an angle smaller than 90 degrees or at an angle of incline of between 15 and 40 degrees. Pervan shows (the recess shown at 50 in Figure 2a) that it is known in the art to have recesses with interior sides that

have angles smaller than 90 degrees and angle inclines of approximately 15 to 40 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an angled recess as stated, since this would provide more of a secure fit for a clip that was holding the panels together. An angled clip would more easily hold its position within the recess when at an angle.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

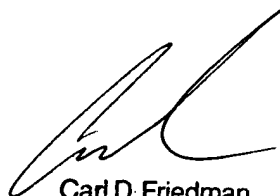
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JTF

June 23, 2003



Carl D. Friedman
Supervisory Patent Examiner
Group 3600